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CELA

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July 23, 2012

VIA ELECTRONIC MAIL

Mr. Jeff S. Jordan
Supervisory Attorney
Federal Election Commission
999 E Street, NW
Washington, DC 22210

Re: **MUR 6600**

Dear Mr. Jordan:

Heller for Senate (the "Committee"), through Counsel, provides the following response to the complaint filed by the Nevada State Democratic Party and designated by the Commission as MUR 6600. The Committee responds as follows:

The Commission's regulations require a candidate's television advertisement to include a disclaimer that includes three parts:

1. First, the advertisement must state that it was paid for by the candidate's campaign.
2. Second, the advertisement must contain the voice of the candidate, accompanied by a picture of the candidate, stating that he or she approved the advertisement.
3. Third, the advertisement must contain a written statement that the candidate approved the message.

11 C.F.R. §110.11(c)(3). The advertisement in question complied with the first two of these requirements and there can be no question, upon viewing the advertisement, that it was approved by the candidate. The candidate's name, website address, Facebook page, and Twitter accounts

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are each displayed in writing multiple times during the advertisement. Indeed, the candidate's name is displayed in some manner during every second of the advertisement. Furthermore, the entire advertisement consists of video of the candidate speaking directly to the camera.

This advertisement is so unlike the kinds of anonymous advertising that the Bipartisan Campaign Reform Act sought to remedy as to make this complaint absurd. The purpose of the disclaimer requirements, as stated by the complainant, is to "require candidates to endorse, clearly and plainly, the content of their advertisements." In this instance, although the advertisement did not comply with the technical requirements of the rules, its objectives were clearly met and there is no question that Mr. Heller approved the advertisement.

Additionally, we note that this advertisement aired without the written approval statement was replaced with a version of the advertisement with the correct disclaimer in less than 24 hours after the Committee's staff learned of the error. Since this time, the Committee has instituted new processes and procedures for approval of advertisements, including having them reviewed by legal counsel prior to distribution to ensure compliance with Commission regulations. The Committee takes compliance with Commission regulations very seriously and regrets this inadvertent error.

Under *Heckler v. Chaney*, 470 U.S. 821 (1985), the Commission has broad discretion to determine how to proceed with respect to complaints or referrals. The Commission has exercised its prosecutorial discretion under *Heckler* to dismiss matters that do not merit the additional expenditure of Commission resources. In a matter such as this, where the offense is relatively minor and the Respondent has voluntarily taken remedial steps to avoid future violations, dismissal would be appropriate in light of the Commission's limited resources and enforcement priorities.

Thank you for your consideration of this matter. If you require additional information, or if I can be of any assistance, then I can be reached at (214) 842-6825.

Sincerely,



Chris K. Gober
Counsel, Heller for Senate

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STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent
FEC Fax (202) 219-3923

MUR #: 6600
Name of Counsel: Chris K. Gober
Karen Blackistone
Firm: Gober Hilgers PLLC
Address: 2101 Cedar Springs Road, Suite 1050
Dallas, TX 75201
Telephone: (214) 842-6829
Fax: (877) 437-5755

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/17/12
Date
Respondent Signature
Title

Respondent's Name: Chrissie Hastie, Treasurer for Heller for Senate

Address: PO Box 751271 Las Vegas, NV 89136

Telephone: /

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.

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STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each Respondent
FEC Fax (202) 219-3923

MUR #: 6600
Name of Counsel: Chris K. Gober
Karen Blackistone
Firm: Gober Hilgers PLLC
Address: 2101 Cedar Springs Road, Suite 1050
Dallas, TX 75201
Telephone: (214) 842-6829
Fax: (877) 437-5755

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/18/12 Dean Heller _____
Date Respondent Signature Title

Respondent's Name: Dean Heller
Address: P.O. Box 371907
Las Vegas, NV 89137
Telephone:

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